

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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| JOSE RAMIREZ, et al., | : | |
| | : | |
| Plaintiffs, | : | |
| | : | 22 Civ. 3342 (LGS) |
| -against- | : | |
| | : | <u>ORDER</u> |
| URION CONSTRUCTION LLC, et al., | : | |
| | : | |
| Defendants. | : | |
| ----- | : | |
| | X | |

LORNA G. SCHOFIELD, District Judge:

WHEREAS, on April 25, 2022, Plaintiffs filed their Complaint against Defendants alleging violation of the minimum wage and overtime provisions of the Fair Labor Standards Act and New York Minimum Wage Act, and the overtime, frequency of pay, notice and recordkeeping, and wage statement provisions of the New York Labor Law (“NYLL”);

WHEREAS, by Order dated September 23, 2022, this matter was referred to Magistrate Judge Robert W. Lehrburger for Inquest After Default. Default Judgement was entered against Defendants by Order dated September 26, 2023;

WHEREAS, on April 28, 2023, Judge Lehrburger issued a Report and Recommendation (the “Report”), recommending that the Court award Plaintiffs damages totaling \$601,524.40 on their first five causes of action, and dismiss Plaintiffs’ two causes of action for violation of the NYLL notice and recordkeeping and wage statement provisions for lack of standing;

WHEREAS, as stated in Judge Lehrburger’s Report, the deadline for any objections was fourteen days from service of the Report. Federal Rule of Civil Procedure 6(d) provides an additional three-day period when, as here, service is made by mail. Service was made on May 1, 2023. *See* Fed. R. Civ. P. 5(b)(2)(C) (providing that service by mail “is complete upon mailing”);

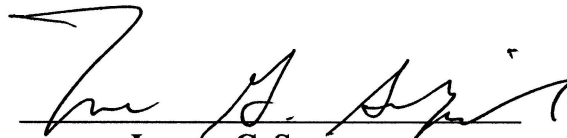
WHEREAS, no timely objection was filed;

WHEREAS, in reviewing a Magistrate Judge's report and recommendation, a District Judge "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment; *accord Anderson v. Comm'r of Soc. Sec.*, No. 20 Civ. 6462, 2022 WL 925070, at *1 (S.D.N.Y. Mar. 29, 2022);

WHEREAS, the Court finds no clear error on the face of the record. It is hereby

ORDERED that the Report is ADOPTED. The Clerk of Court is respectfully directed to close the case.

Dated: May 19, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE